

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAMELA WELLS,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:07-cv-01214

CORPORATE RECEIVABLES,
INC., et al.,

Defendants.

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CORRECTED REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion for Default Judgment as to Angela Galvan (Dkt. No. 85), which was referred to the undersigned by the Honorable Paul L. Maloney for report and recommendation. Defendant Angela Galvan has been unavailable and uncooperative for the pendency of this litigation. Her first attorneys were allowed to withdraw due to her refusal to cooperate in discovery and her refusal to communicate with them. (Dkt. Nos. 76, 80). Her current attorney is now moving to withdraw for similar reasons. (Dkt. No. 108). Ms. Galvan has been warned repeatedly by the Court on the record that her failure to participate in this litigation put her at risk for a default judgment. Also, as far back as August 7, 2008, Magistrate Judge Carmody ordered that, "should Defendant Angela Galvan fail to cooperate fully in any additional discovery, including the scheduling of her deposition, the undersigned will considering recommending a judgment against her as a matter of law." (Dkt. No. 42).

Plaintiff was forced to file another motion for default judgment (Dkt. No. 85) due to Defendant Galvan's continuing refusal to cooperate in discovery. At a hearing on this motion, the undersigned found good cause for default to be entered against Defendant Galvan. An order was entered ruling on various additional issues contained in the motion and stating that a Report and Recommendation that default and default judgment should enter against Defendant Galvan would issue. (Dkt. No. 105). As such:

It is hereby recommended that Plaintiff's Motion for Default Judgment as to Angela Galvan (Dkt. No. 85) be **granted**, and that default and then default judgment be entered against Defendant Angela Galvan. The filing of timely objections to this recommendation shall be considered Defendant Galvan's opportunity to be heard on this issue.

Respectfully submitted,

Date: June 10, 2009

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).